

Amendment No. 1 to SB2714

Ketron  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2714\***

**House Bill No. 3122**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding sections 2 through 4 as a new part 5 thereto.

SECTION 2.

**§ 38-1-501.**

As used in this part:

(1) "Animal" means a domesticated living creature or a wild creature previously captured;

(2) "Child" means a person who is under eighteen (18) years of age or who is reasonably presumed to be less than eighteen (18) years of age;

(3) "Cruelty," "abuse," and "neglect" means every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted;

(4) "Reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to believe animal cruelty, abuse, or neglect has occurred; and

(5) "Owner" means any person who is the legal owner, keeper, harborer, possessor, or the actual custodian of an animal. "Owner" includes corporations as well as individuals.

SECTION 3.

**§ 38-1-502.**

(a) Any employee of a state or county child or adult protective services agency, while acting in a professional capacity or within the scope of employment, who knows or has a reasonable suspicion that an animal has been the victim of cruelty, abuse, or

neglect, shall report the known or reasonably suspected animal cruelty, abuse, or neglect to an entity with the legal duty to investigate reports of animal cruelty, abuse, and neglect in that county.

(b) Any employee of a humane society or county entity that investigates reports of animal cruelty, abuse, and neglect in that county, while acting in a professional capacity or within the scope of employment, who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately, if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse, or neglect, or that on the basis of available information reasonably appears to have been caused by brutality, abuse or neglect.

(c) Any such person with knowledge of the type of harm described in subsection (b) shall report such harm, by telephone or otherwise, to the:

(1) Judge having juvenile jurisdiction over the child;

(2) Department of children's services, in a manner specified by the department, either by contacting a local representative of the department or by utilizing the department's centralized intake procedure, where applicable;

(3) Sheriff of the county where the child resides; or

(4) Chief law enforcement official of the municipality where the child resides.

(d) If any such person knows or has reasonable suspicion that a child has been the victim of child sexual abuse as defined in §37-1-602, the person shall report such information in accordance with §37-1-605.

(e) The report required under subsection (a) shall be made no later than three (3) days, excluding Saturdays, Sundays, and state holidays, of the employee having received the information concerning the suspected instance of animal cruelty, abuse, or neglect by means of facsimile transmission of a written report containing the information

required by §38-1-503, or by telephone if all of the information that is required to be provided pursuant to §38-1-503 can reasonably be furnished in such manner. In cases where an immediate response is necessary in order to protect the health and safety of the animal or others, the report shall be made by telephone as soon as possible pursuant to this subsection.

(f) Nothing in this section shall be construed to impose a duty on employees of state or county child or adult protective services agencies to investigate instances of known or reasonably suspected animal cruelty, abuse, or neglect.

#### SECTION 4.

##### **§ 38-1-503.**

(a) Reports made pursuant to §38-1-502(a) shall include:

- (1) The reporter's name, title, business address, and telephone number;
- (2) The name, if known, of the animal owner or custodian and the name, if known, of the suspected perpetrator of the animal cruelty, abuse, or neglect;
- (3) The location of the animal and the premises on which the known or reasonably suspected animal cruelty, abuse, or neglect took place;
- (4) A description of the location of the animal and the premises;
- (5) The type and numbers of animals involved;
- (6) A description of the animal and its condition; and
- (7) The names, addresses, and telephone numbers of any other persons known by the reporter to have pertinent knowledge relative to the suspected animal cruelty, abuse, or neglect; and
- (8) The date, time, and a description of the observation or incident which led the reporter to have a reasonable suspicion of animal cruelty, abuse, or neglect and any other information the reporter believes may be relevant.

(b) Entities having a legal duty to accept reports required by this part shall provide forms suitable to record the information required by subsection (a).

(c) No person, entity, or agency of government shall be held liable, under any circumstance, in any civil or criminal action by reason of making a report pursuant to this part, provided that such report was made in good faith.

(d) Nothing in this part shall be construed as prohibiting the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs. Nothing in this part shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of such animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal, nor shall any provision of this part be construed as requiring the reporting of such practices.

SECTION 5. This act shall take effect July 1, 2006, the public welfare requiring it.